

INDIANA ELECTION COMMISSION JANUARY 17, 2002 MINUTES

MEMBERS PRESENT: S. Anthony Long, Vice-Chairman of the Indiana Election Commission ("the Commission"); Shirley Baker, Proxy for Dudley Cruea; Butch Morgan, Member of the Commission; Joseph M. Perkins, Jr., Member of the Commission

MEMBERS ABSENT: Dudley Cruea, Chairman of the Commission

STAFF ATTENDING: Laurie Christie, Co-Director of the Indiana Election Division of the Office of the Indiana Secretary of State ("the Election Division"); Spencer Valentine, Co-Director of the Election Division; Kristi Robertson, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Michelle Brzycki, Precincts and Voter Registration Coordinator; Lori Hershberger, Precincts and Voter Registration Coordinator

OTHERS ATTENDING: Ms. Maureen Bard (Office of Census Data, Legislative Services Agency); Van Barteau; Mr. Philip Bayt (Ice Miller); Ms. Sherry M. Beck (Marion County Board of Voter Registration); Mr. Bill Bock (Kroger Gardis & Regas); The Honorable Phillip Borst, Marion County City-County Councillor; Mr. David Casto; Mr. Roger Chiabai (Lake County Board of Elections and Registration); Mr. Steve A. Clark (Henry County Democratic Party chairman); Mr. Jeff Coyne (Indiana Democratic Party); Ms. Claudia Cummings (Marion County Circuit Court Clerk); Mr. Patrick Cunningham (City of Indianapolis); Mr. Joe Delacruz; Ms. Elsie Franklin; Mr. Luther P. Franklin (Henry County Democratic Party); Mr. Sean Frick; Ms. Carolyn Grant (Marion County Republican Central Committee); Mr. Jewell G. Harris, Sr.; Mr. Joseph Hero; Mr. Lacy M. Johnson (Ice Miller); Ms. Liz Keele (Pike Township Assessor); Mr. John Keeler (Marion County Republican Party chairman); Mr. Matthew T. Klein (Kroger Gardis & Regas, LLP); Mr. Andrew Klineman (Ice Miller); Mr. Brad Klopfenstein (Libertarian Party of Indiana); Mr. Frank Kollintzas; Ms. Sally LaSota, Executive Director, Lake County Board of Elections and Registration; The Honorable Ed Mahern, Indiana State Representative; The Honorable Robert Massey, Marion County City-County Councillor; Mr. David Miller; Mr. Joel Miller; Ms. Cathline Mullin (Marion County Board of Voter Registration); Mr. J. Justin Murphy (Lake County Board of Elections and Registration); Mr. Mark Stratton (Office of Census Data, Legislative Services Agency); Mr. Allan Sutherlin (Legislative Demographics Services); The Honorable Sarah Taylor, Marion County Circuit Court Clerk; The Honorable Nannette Tunget, Mayor of Southport; Beth White (City of Indianapolis).

1. CALL TO ORDER:

Mr. Long as acting Chair called the January 17, 2002 public session of the Indiana Election Commission to order at 1:16 p.m. in Indiana Government Center South Conference Room 1, 402 West Washington Street, Indianapolis, Indiana.

The Chair stated that the Commission would hear presentations from any individual with questions or objections concerning the Marion County precinct establishment plan. The Chair asked Ms. Robertson to administer the oath to any person who wished to testify before the Commission for or against any county's precinct establishment plan at this meeting. Ms. Robertson then administered the oath.

The Chair recognized Mr. Bock, of Kroger, Gardis & Regas, LLP, who stated that he represented the Republican caucus of the Marion County City-County Council, who were remonstrating against the proposed precinct establishment order submitted by the Mayor of Indianapolis. Mr. Bock submitted a document to the Commission entitled "Brief of Remonstrators in Opposition to Proposed Precinct Establishment Order for Marion County, Indiana", dated January 17, 2006, which was accepted by consent, and is incorporated by reference in these minutes. Mr. Bock said that before addressing the substantive issues, he wished to make a motion regarding the jurisdiction of the Commission to hear this matter at this time.

Mr. Bock remarked that he had submitted a public records request for the documentation pertaining to this plan, and that even as he spoke at this meeting, he had not received a complete response to this request since the Marion County precinct plan itself had not been completed, as of yesterday evening. He added that he had received some paper documentation today, but had still not received electronic files reflecting changes that were made to the plan last night.

Mr. Bock said that Indiana statutes require several things before the Commission can consider a proposed precinct establishment order. First, the county executive must submit a proposed precinct order to the Election Division, (which occurred on December 21, 2001, over a month after the deadline set by the Election Division for Marion County to submit its plan, and less than an hour before the close of business for the Christmas holiday). He understood that since that time, the plan submitted to the Election Division has been in a state of constant revision; that numerous errors have been identified in the plan; and that as a result, numerous changes and corrections have been made to the plan through the period ending last night or early this morning. He said that as a result, no member of the public has had the opportunity to review the complete and final plan, and that in fact, no complete and final plan has been submitted by the Mayor of Indianapolis to the Election Division, as required by statute. Mr. Bock stated that Indiana Code 3-11-1.5-19 requires that if there is a correction to a plan is necessary due to the plan's failure to comply with state law, the Co-Directors of the Election Division must send a letter to the county executive. He added that the county executive is then required to resubmit the proposed order to the Election Division, and he understands that this has never occurred in this case. Mr. Bock said that he understood that there has been no letter from the Co-Directors of the Election Division to the county executive of Marion County, noting the substantial errors in the plan that had been identified, and that there has been no resubmission of any plan by the Mayor. He noted that the Mayor's initial plan had been accompanied by an executive order, which he had obtained pursuant to a public records request to the Mayor's office, but that he had not received a copy of any subsequent executive order or document resubmitting a revised precinct plan.

Mr. Simmons said that the process that the Election Division has undertaken with almost every county has been to have an executive order submitted with the accompanying documentation, or an order which incorporates the accompanying documentation by reference. He stated that in following IC 3-11-1.5-19 if the Election Division finds that there are technical problems, the Election Division so advises the county executive or the county's representatives. He noted that IC 3-11-1.5-19 does not specifically refer to the Election Division sending a letter to do so. He said that then county representatives communicate with Election Division staff to resolve those issues, and that there is no new executive order signed, although the supporting documentation is changed in cooperation with the representative of the county executive.

Mr. Simmons stated that he understood Mr. Bock to be arguing that the order signed by the executive has to then be reissued or re-signed. He indicated that this was not a requirement that the Election Division had been imposing on the rest of the counties.

Ms. Robertson stated that the Commission had received in its packet a recommendation from the Co-Directors concerning Marion County's proposed precinct order. A copy of this document is incorporated by reference in these minutes. She noted that the plan has been reviewed by the Office of Census Data. After review of the comments from the Office of Census Data, this recommendation was then issued by the Election Division Co-Directors to the Commission. Ms. Robertson said that with regard to public record requests, she noted that the Commission had received a copy of a memo from herself and Mr. Simmons, dated January 17, 2002, concerning the Election Division's compliance with the requests made by Kroger Gardis & Regas and by Ice Miller. A copy of this document is incorporated by reference in these minutes.

In response to a question from the Chair, Ms. Robertson and Mr. Simmons stated that the Election Division had complied with these public records requests. Mr. Simmons added that, to the extent the Election Division has the documentation, the Election Division has forwarded the documentation, but that as Mr. Bock pointed out, the Election Division did not have the actual shape files (the electronic version of the maps) to provide to Mr. Bock until today.

In response to a question from the Chair, Mr. Simmons stated that the arguments made by counsel for the parties had set forth the legal arguments regarding Commission jurisdiction, and that the questions of the fact in this case must be determined by the Commission. The Chair asked if, as far as the Election Division was concerned, whether the requirements and procedures used in considering and approving precinct plans for other counties had also been followed with regard to Marion County, whose form of government differed from other counties. He asked if the Election Division had deviated in any way from its normal procedure in this case. Mr. Valentine responded that no, the Election Division had not.

The Chair asked if any of the changes made to the Marion County plan after its submission to the Election Division on December 21 had been generated other than by comments from the Office of Census Data, or by Election Division staff. Ms. Brzycki

Mr. Valentine responded that the technical changes had originated from the Office of Census Data, and then processed by the Election Division. Mr. Perkins stated it seemed that the process that the Commission requires to bring this matter before it has been followed, but that the substantive issues may be a different story. He said that, in his opinion, this matter can be heard before the Commission today since all of the procedural standards have been followed.

The Chair noted that a motion was pending before the Commission to dismiss this matter for lack of jurisdiction. Mr. Long moved, seconded by Mr. Morgan, that this motion be overruled and that today's Commission hearing proceed. After reviewing the documents submitted, and there being no further discussion, the chair called the question, and with four members voting aye (Baker, Long, Morgan, and Perkins), and no member voting nay, declared that the motion had been adopted.

The Chair then recognized Mr. Bock, and requested that he address as specifically and succinctly as possible the procedural issues that have denied his clients the ability to be heard regarding the proposed precinct map pending before the Commission.

Mr. Bock asked consent of the Commission to make a Power Point presentation of approximately 15 minutes in length, assuming no questions to allow for additional time. The Commission consented. A copy of the presentation, entitled "Proposed Marion County Precincts" is incorporated by reference in these minutes. The Chair asked that, if possible, questions be held until the end of the presentation.

Mr. Bock stated that, in addition to raising the jurisdictional issue, his clients were requesting that the Commission defer hearing this matter to provide them with additional time to review the plan. He said that although the process may have been similar to the process which has taken place regarding other counties, he did not know if any county had provided remonstrators to their plan with changes on the day of the hearing. He noted that following the passage of new legislative lines in April 2001, the Election Division had set a November 8 deadline for counties to submit proposed changes, and that he understood that this deadline had been extended at the request of Marion County. Mr. Bock said that on November 1, 2001, Dr. Phillip Borst, the majority leader of the Marion County City-County Council, had submitted a public records request to the county, and requested documentation relating to the proposed precinct plan along with an opportunity for himself and members of the public to provide input into the plan. Mr. Bock stated that in the past, the Commission has taken a very strong view regarding the necessity of getting full public input on any plan submitted to the Commission. He said that this was why at the Commission's January 10, 2002 meeting, Commissioners Long and Perkins had rightly asked whether the Vigo County Republican Party chairman had received an opportunity to present comments on that county's plan. Mr. Bock added that in 1998, when LaPorte County submitted its precinct order, and the Election Division staff determined that the plan was in complete compliance with the provisions of the Indiana Code, that was why Commissioners Long and Morgan refused to vote for that plan, and stated that it is important that there be a process of communication at the county level.

that his clients did have concerns regarding the plan's compliance with those requirements, and would present those concerns to the Commission.

Mr. Bock said that his clients have concerns that the proposed plan would not make good-government sense, and will result in many election administration problems, including longer waiting at the polls. He added that since primary candidate filing begins January 23, 2002, and that this hearing is being held less than a week before the election process begins. Mr. Bock stated that the Mayor is asking the Commission to approve a plan that drastically changes the way in which elections will be run. He said that there was no reason why a plan proposing such dramatic changes needed to be presented to the Commission at the eleventh hour. He stated that this plan would put enormous pressure on Marion County election officials, and that based on their testimony, the Commission will not believe that this plan, if adopted, result in an election that would be fair, reasonable, or which would meet the needs of the voters of Marion County. He said that this plan would be certain to result in confusion, errors, and suppressed voter turnout.

Mr. Bock stated that there are 104 proposed precincts which result from splits of old precincts, and that these changes will require the Marion County Board of Voter Registration to spend many hours, including evenings and weekends to attempt to hand correlate the precinct splits with the voter rolls, with perhaps only two employees in that office able to perform this work, and to have this work completed by primary election day, May 7, 2002, along with all of their other election responsibilities. Mr. Bock remarked that the opportunity for errors is enormous, and that testimony will be presented that Marion County staff cannot guarantee that errors will not be made. He added that there is not enough time to communicate with voters regarding the changes which are taking place, and as a result, people will go to the wrong precincts, and lines will increase as people stand in line and try to figure out where they are supposed to vote on election day, all because this plan was not submitted until the very last possible instant, and after the deadline originally set by the Election Division. He said that for these reasons, the Commission should not approve the plan at this time.

Mr. Bock remarked that the staff has identified 64 errors in the proposed order, involving over 100 census blocks or other geographical features, such as district lines. In response to a question from Mr. Morgan, Mr. Bock stated that he was referring to the staff of the Office of Census Data, and the staff of the Election Division. Mr. Bock said that his clients would submit copies of staff comments, which his clients had received just yesterday, pointing out many of these errors. He noted that his clients had not had an opportunity to verify whether any or all of these errors had been corrected, but that he thought it was likely that some of these errors had either not been addressed, or not addressed in a proper way.

Mr. Bock remarked that 15 of the errors identified in the Mayor's proposed plan had been designated as "critical." He said that these represent critical changes which have been made in the Mayor's plan, and that as a result, the Mayor was required by statute to submit a new plan to the Election Division. He noted that these errors included a breach in the township boundary between Decatur Township and Warren Township, or at least

discussed with Ms. Brzycki, that his clients had never received a copy of the correction of this error. Mr. Bock stated that on the electronic map, this precinct appears to be non-contiguous, in that census block 4024 is not contiguous with the remainder of Decatur Township Precinct 10. He said that these sorts of problems and issues have arisen as a result of a hurried process which has occurred.

The Chair asked Mr. Bock if he was aware that non-contiguous precincts existed all over the state. Mr. Bock responded that the non-contiguous precincts in this case could not have been addressed if there had been a process for public input and review. The Chair responded that he did not like non-contiguous precincts either, but that there were three in Warrick County as a result of the state legislative district lines and town boundary lines that led to predicaments, and that he had not been inclined to vote to approve Warrick County's proposed precincts for this reason until he had been advised by Election Division staff that there was no choice in the creation of these non-contiguous precincts.

Mr. Bock stated that the Chair was aware of the number of non-contiguous precincts in Warrick County, but that his clients were unaware of the number of such precincts in Marion County under the proposed plan since there had been lack of opportunity for public input. He said that this plan was submitted six weeks late, and eight months after the information necessary to prepare the plan became available. He added that the Marion County Republican chairman had only been notified one week ago, and had still not been provided with a copy of the plan. He noted that his client, the Marion County City-County Council had been provided with a copy of the plan only a couple of weeks ago. Mr. Bock stated that there had been no public notices, no public hearing, no public input, and reliance on the attorney-client privilege to keep the documentation secret until the last minute. He said that the result had been a secret process in Marion County.

Mr. Bock presented an excerpt from an exhibit to be offered later in the Commission meeting, which quoted a representative of the Mayor as stating that the City was unable to provide precinct redistricting documents because these documents are of an attorney-client and deliberative nature. He noted that the Marion County Circuit Court Clerk, the Republican member of the Marion County Board of Voter Registration, every Republican member of the Marion County City-County Council, and the Marion County Republican Party chairman had not seen the plan when it was submitted to the Election Division on the eve of the Christmas holiday. Mr. Bock emphasized the importance that state law places on the openness of the public process in response to public records requests, which did not occur in the case. Mr. Bock stated that he would ask that the Commission reject, or at least defer action on this plan because of noncompliance with the state public records law. He said that the fundamental philosophy of American government is that government is the servant of the people, not their master, and it should be the policy of the Commission that all persons are entitled to full access to the affairs of government. He added that he is certain that the Commission is sensitive to the concern for openness to the public.

Mr. Bock noted that in the past, Commission members had called attention to the importance of involving the public in the process of drawing precincts. He noted that

The Chair asked if Mr. Bock had exhibits to present to the Commission. Mr. Bock responded that he did, and presented these exhibits to the Commission. The exhibits, consisting of eleven documents, with the cover page titled "Remonstrator's Exhibits Regarding Marion County's Proposed Precinct Establishment Order", were accepted by consent and entered into the record of this hearing. At the request of Mr. Perkins, Mr. Bock also agreed to provide a paper copy of the Power Point presentation made to the Commission at this public hearing. The exhibits and presentation are incorporated by reference in these minutes.

In response to a question from Mr. Morgan regarding the 1998 Commission meeting to consider LaPorte County's precinct plan, Mr. Bock responded that initially the vote was two-to-two upon the plan, and then a motion was made by Commissioner Long to send the precinct plan back for a public hearing in LaPorte County. He said that this motion was adopted unanimously by all four members of the Commission, so that LaPorte County would have an open, public process. He stated that this was exactly what the remonstrators were requesting for Marion County.

In response to a question from Mr. Morgan, Mr. Bock stated that in the initial vote, he and Commissioner Long took the same position, which he believed was the correct one. Mr. Morgan asked if Mr. Bock believed that the Republican members of the Commission took the wrong position in that matter. Mr. Bock responded that the same concerns were expressed by Commissioners Cruea and Perkins, and that they established that by their vote to send the LaPorte County plan back for a public hearing and review. He said that he did not know the motivation for any member's vote, but believed that all the Commission members had acted properly.

The Chair recognized Mr. Bock to present information concerning another possible error in the Marion County plan. Mr. Bock asked Ms. Brzycki if she had reviewed the active voter totals on each IEC-8 form as submitted. Ms. Brzycki responded that she had followed the same procedure in Marion County's case that was used in other counties in that she reviewed the IEC-8 forms to see if the number had been provided, but that the Election Division does not have the ability to review the county's voter registration record to confirm the accuracy of this number. Mr. Bock asked if the Commission's position was to accept the county's representation regarding the number of active voters as set forth on the IEC-8. Mr. Perkins responded on behalf of the Commission that this was correct. Mr. Bock asked for the number of active voters listed on the IEC-8 form provided for Franklin Township Precinct 21. Ms. Brzycki responded that the form indicated that there would be 2206 active voters in this precinct, and that she understood that state law would permit up to 1200 active voters in a precinct. Mr. Bock asked if Ms. Brzycki had received any IEC-8 form correcting the number of active voters in proposed Franklin Township Precinct 21. Ms. Brzycki responded that she had not. Mr. Bock stated that the only information in the plan that has been submitted to the Commission is that Franklin Township Precinct 21 contains 2207 active voters. The Chair asked if Mr. Bock knew how many voters were in that precinct. Mr. Bock responded that he did not.

The Chair recognized Ms. Brzycki, who stated that the Election Division looks at the number of registered voters, and that if the number of registered voters exceeds 1200, then the Election Division has asked the county voter registration office in each county where the Election Division encounters this situation to provide the number of active voters in the proposed precinct.

The Chair stated that at this point, in fairness, before taking testimony from Mr. Bock's witnesses, he would like to ask Mr. Bayt to address the issues that Mr. Bock had raised. He said that after having these issues addressed, the Commission would decide whether it would wish to hear additional testimony from witnesses, and in which areas of dispute. He stated that it was not his intention to preclude witnesses from testifying, but that Mr. Bock had had the floor for a considerable period of time. He remarked to Mr. Bayt that, as one member of the Commission, he was particularly interested in what process and input other people have been afforded in the decisions.

The Chair said that his position had always been that, and continues to be, that these decisions are made by the county executive in the community (the Mayor or county commissioners in other counties), and that the Commission does not make these decisions or decide what is right for Marion County or any other county. He said that historically, the Commission has always taken the position that everyone should get an opportunity to be heard, and present their arguments, and that the county executive then makes its decision.

The Chair recognized Mr. Bock, who stated that as a point of order he wished to clarify that he had not yet made all of the arguments concerning this plan that he intended to make as part of the testimony of the witnesses, such as Ms. Beck of the Marion County Board of Registration. He added that an interested voter in Washington Township, Mr. Sean Frick, who is an elected member of the Washington Township Board, found out about this process yesterday, and did some analysis that he did wish to present to the Commission, but that he did have to leave the meeting to return to work.

The Chair recognized Mr. Perkins, who stated that he appreciated Mr. Bock's remarks, and noted that the Commission had been trying to follow generally accepted procedures for conducting hearings. He said that the way to go about this would seem to be to have Mr. Bock complete his presentation, and then let Mr. Bayt and his colleagues make their presentation. He suggested that the Commission ask Mr. Bock to proceed, but with instructions to be quick, and to get right to the point with each witness, and to use very sound judgment as to whether he wants to call all seven witnesses or not.

The Chair said that he would exercise his discretion by permitting Mr. Bock fifteen additional minutes on behalf of his client, the Marion County City-County Council, to present the evidence he felt was germane, and that the Chair was not precluding additional evidence from being presented, but was most interested in hearing about the opportunity for public input.

he anticipated that he would have a map illustrating the new precinct boundaries. Mr. Keeler said that, as of today, he had still not received that map, and had received no other information concerning this process other than the letter dated January 9. He stated that the Republican Party had received no opportunity for input into this plan, and that the Party would join with the Marion County City-County Council in asking that the Commission delay action on this plan, or in the alternative, that the plan be rejected.

Mr. Bock called Dr. Borst, the Republican majority leader of the Marion County City-County Council. Dr. Borst said that he wished to testify to three points. First, what bothered him most was that this had been going on for months, at least since April or May, somewhere in some office, or in some back room, secretly or covertly, and no one knew about it. He stated that the public was not notified and the Council was not notified. Dr. Borst said that he had served on the Council for 22 years, and had served with three mayors. He said that mayors who do things because they are good for the community, good for government, good for voting, good for efficiency, or good for people, can take the smallest thing and blow it up to make it sound great. He remarked that if these things were true regarding the proposed precinct plan, why hadn't it been touted over the last several months, with public hearings in the townships. He said that this administration had conducted everything so far without hearings. Second, Dr. Borst stated that he had filed a written request with the Mayor's office on November 1, 2001, and received a nice letter back stating that these changes were being proposed for efficiency, reducing the number of voting machines needed, and reduced costs, "but thank you, this is a private matter, please stay out of it." He said that this was strange, since this process is a basic part of voting that affects precincts and people. Dr. Borst said that this process was all done behind closed doors. Third, Dr. Borst remarked that the legislature was wise enough in 1997 to freeze the precinct boundaries so that there would not be a last-minute rush to change precincts, which would result in mistakes, such as the ones testified to here. He said that the Marion County City-County Council should be redistricted in the same way that the congressional districts, state senate districts, and state house districts were done.

Mr. Bock called Bob Massey, the chairman of the Rules and Public Policy committee of the Marion County City-County Council. Mr. Massey remarked that it is his committee's responsibility to supervise the Council redistricting process, which must begin shortly. He said that there has not been insufficient public input into the reprecincting process; instead, there has been no public input. He stated that he represents 34,000 people on the south side of Indianapolis, and to his knowledge, not a single person in District 20 had any opportunity to provide input, unless it was an invitation to participate behind closed doors, which no one else knew about. Mr. Massey said that lawyers were paid hundreds of thousands of dollars to prepare the plan under discussion today without one minute of public testimony before the Mayor, the Council, or any other official body. He remarked that volunteers who worked the precincts, the heads and members of neighborhood associations, faithful voters frustrated by long lines, and elderly and handicapped members of the community were never consulted. He noted that in a free society, the press is also an advocate for the interests of the people, and said that it was very telling that in the Marion County press, there has not been one minute of radio or television time, or one inch of newspaper reports (except for perhaps coverage yesterday or today

Jr. holiday, she will have to open up to accept candidate filings in districts, precincts, and races that she knows nothing about. Ms. Taylor remarked that individuals who are active in the political process know how excited citizens are when they decide to become a precinct committeeman, and that it will be very difficult for her to tell those individuals that she does not have the information to assist these persons in knowing which precinct they will be filing for.

Ms. Taylor added that with regard to state convention delegates, she has not received the Democratic Party's delegate district map, but has received the Republican Party's delegate district map. She said that the Republican delegate district map is based on the county's existing 917 precincts.

Ms. Taylor said that with regard to school boards, the election for those offices will be held on May 7 in Marion County, and that she has grave concerns about what splitting precincts will mean in running a school board election.

Ms. Taylor remarked that those involved in the campaign or election process understand that the election dates cannot change. She said that if the space shuttle is not ready to go, the launch can be delayed, but that elections cannot be delayed. She noted that election administrators are always short on time and on human resources, and are definitely short on money. She noted that she had to ensure that the computers using the tallying software are properly coded; that the computer coding was done for the office administration; and that the computer coding was done for interactive voice response system, which allows any voter in Marion County to call and find out where their polling place is located for election day. She said that she must publish the list of polling places, and make certain that the coding is done for the County's web site, which she believed was the first web site in the state of Indiana which allows a person to find out where the person's polling place is located. She indicated that her office staff had spent numerous hours during the off-election year taking digital pictures of those polling places, and conducting an accessibility study as a result of Marion County's participation in the federal General Accounting Office study done in 2000. Ms. Taylor said that as a result, it would be appropriate for the county to conduct its own polling place accessibility study for each polling site. She remarked that all of this information is ready to be loaded to the web site, but without this precinct information made available to her, her staff is at a standstill and unable to perform these basic functions.

Ms. Taylor stated that she was concerned about people who come in to do research, such as voters, candidates, and citizens. She asked how her office would provide them turnout statistics from the old information to the new information. She added that eventually her office would be able to do this, but not right away. Ms. Taylor asked how she would know how many forms and affidavits to create for election day, or back-up paper ballots until that turnout analysis is done.

Ms. Taylor said that it is hard enough to run elections in a timely fashion, with information received in a timely fashion, but that with this late notice, and no prior knowledge, she was extremely concerned.

when the county voter registration office ever sees a precinct map, the map will include the boundaries of the precinct, and the main streets within the precinct. She said that the voter registration office will have to ensure that it gets every little street within the precinct, and look at odd and even numbers on some streets, and enter the correct information manually into the county's software system. Ms. Beck remarked that the county voter registration office only has one-and-one-half persons available since the Republican member of the team is new to that process, and has not been through a redistricting. She stated that most of the office staff had been through a reprecincting, but there are other problems that accompany it, such as school boards, and that her office has not received the school board member district lines yet, except for Lawrence Township. She said that with regard to Lawrence Township school board districts, she had asked one of the school corporations to resubmit these lines since the legal description for a school board member district begins at an intersection which does not exist.

The Chair asked if Ms. Beck's office did not yet have the computerized map of the proposed precincts. Ms. Beck responded "no, sir". She stated that the county voter registration office does not have anything regarding the proposed reprecincting or redistricting. The Chair asked why Ms. Beck did not have these items. Ms. Beck responded that her office has no control over this process, which is done by the chief executive of the county. She added that her office does have maps showing the congressional district lines, state senate lines, and state house district lines in Marion County, but that these maps just show big lines. She said that her office needs a disc, which she had not yet been provided. She stated that Ice Miller had provided a disc to the office's vendor, but that the information on the disc was not compatible with the mapping software system (ArcView) used by the county voter registration office.

Ms. Beck said that in order for Ms. Taylor to do her job, the county voter registration office must get all of its information in its system. She said that she would guarantee that errors will be made, and that both she and her Democratic colleague want to err on the side of the voter. She stated that she did not see how the county voter registration office could get this number of changes in the voter registration records done. She added that during the presidential election year, when there were no precinct changes, but high voter turnout, the county voter registration office worked 43 days in a row, from 8 am until 8 pm, just to process voter registrations. Ms. Beck remarked that the work involved now would include not just processing voter registrations, but adding school board district line information and state convention delegate district information, which will be a next to impossible task.

The Chair recognized Mr. Bock, who asked Ms. Beck how many employees in her office were qualified to perform the reassignment of voters to the proposed new precincts. Ms. Beck responded "only two people." Mr. Bock noted that he asked Ms. Beck regarding active voter numbers in specific precincts, and asked if she had additional thoughts on this subject to present to the Commission. Ms. Beck responded that she believed that both her office and the Mayor's office had received the same information regarding the number of active voters in the proposed precincts. She stated that in Franklin Township, there has been great growth, and that many precincts contain well over 1,000 voters. She

precincts during each reprecincting conducted during those years. In response to a question from Mr. Bock, Ms. Beck said that during this 13 year period, there had been proposals that combined certain precincts, but never proposals to reduce the total overall number of Marion County precincts. Mr. Bock asked if Ms. Beck could characterize the nature of the precinct changes made in 1997 as technical or substantive. Ms. Beck responded that these changes were made because there were more than 800 voters in these precincts. She added that she had simply redrawn precincts by complying with the laws to follow census blocks and other boundaries, and to have no more than 800 voters in these precincts.

The Chair asked Ms. Beck if she could identify the number of people who regularly vote in Marion County (notwithstanding whether they were classified as "active" voters or not). Ms. Beck responded that she could not do so easily due to the large variation in turnout between types of elections. The Chair asked what this number might be with regard to the 2000 presidential election. Ms. Beck deferred to Ms. Taylor for this information. Ms. Taylor responded that the number would be about 290,000 out of approximately 500,000 registered voters.

The Chair recognized Mr. Bock, who noted that Exhibit 6 in "Remonstrator's Exhibits Regarding Marion County's Proposed Precinct Establishment Order" included a letter from the Election Division received yesterday, providing updated information regarding additional changes. He said that he also wished to enter into the record a letter from the Election Division, dated and received today, the day of this hearing, providing updated information regarding additional changes. The Chair responded that this document would be designated as "Exhibit #2", and made a part of the record.

In response from a question by the Chair, Mr. Bock indicated that this concluded his presentation of evidence.

The Chair placed the Commission in recess for ten minutes. Upon reconvening the meeting at 3:30 p.m., the same Commission members were present.

The Chair said that he had been advised that a request had been received for modification to the proposed precinct plan for Lake County. He stated that he understood that these changes had not been reviewed by Election Division staff or by the Office of Census Data. The Election Division and Office of Census Data staff confirmed that this was correct.

The Chair indicated that he would move to table consideration of these changes until the next Commission meeting. Commission members discussed possible dates for the next Commission meeting. Members consented to set a tentative date and time of 10:30 a.m., Indianapolis time, on January 22, 2002 for this meeting. The Chair asked any person who would plan to testify at a January 22, 2002 meeting to provide contact information so that they could be reached if the January 22 meeting was rescheduled.

will not know which precinct to vote in at the next election. In response to a question from the Chair, Mr. Hero said that, in the alternative, he was asking the Commission to table this Lake County proposal until after the 2002 primary, since the voters would be totally confused if the Commission took any different action on January 22. He said that, in his opinion, to intentionally do so, understanding the impact that this would have, would be criminal to the voters. He remarked that state law gives the Commission until January 22 to deliberate on precinct proposals.

The Chair stated that Mr. Hero's objection had been duly noted. There being no further discussion, the chair called the question, and with four members voting aye (Baker, Long, Morgan, and Perkins, and no member voting nay, that the motion to table was adopted.

The following documents were provided to the Commission, and are incorporated by reference into these minutes: (1) a fax received by the Election Division on January 15, 2002 from Roger M. Chiabai, the Chairman of the Lake County Board of Elections and Registration (hereafter "the Lake County Election Board"), which included three documents captioned "Amended Order Establishing Precincts" for the cities of East Chicago, Gary, and Hammond, respectively; (2) a fax received by the Election Division on January 16, 2002 from Assistant Director Lance E. Ryskamp of the Lake County Election Board, which included a document captioned "Amended Order Establishing Precincts" for Lake County; (3) a fax received by the Election Division on January 16, 2002, captioned "Notice of Precinct Boundary Changes"; (4) a letter received by the Election Division on January 17, 2002 from Stephen R. Stiglich, Chairman of the Lake County Democratic Central Committee; (5) a fax received by the Election Division on January 17, 2002 from James L. Wieser of WIESER & STERBA; and (6) a fax received by the Election Division on January 16, 2002 from Joseph M. Hero.

The Chair recognized Mr. Bayt, who stated that he wished to thank the Election Division staff for all of their work and cooperation regarding the Marion County proposed precinct plan.

Mr. Bayt thanked Mr. Bock for letting us know that he knows more about the plan that Marion County is proposing than we do. He said that Mr. Bock is either very insightful or has had ample opportunity to study the plan, and that Mr. Bayt believes that Mr. Bock has had plenty of opportunity to study the plan.

Mr. Bayt said that he would discuss the philosophy of the proposed plan and the process that Marion County used to address the Commission's concerns. He added that before doing so, he wished to clarify certain statements that had previously been made to the Commission.

Mr. Bayt stated that there has been confusion with regard to the concept of "active voters." He said that the county voter registration board maintains a list that identifies "active voters", which is compiled in conformance with the National Voter Registration Act. He indicated that this federal Act is not consistent with the definition of "active voter" used in state statutes used for the purposes of reprecincting, which was confusing.

not a lot of remuneration. He said that having fewer numbers of precincts will make it easier to conduct elections by having full membership on precinct election boards.

Mr. Bayt remarked that Marion County had spent a lot of time looking at new voting machines, and believes that these are on the horizon. He stated that having fewer numbers of precincts will make it easier and more affordable to move to new technology, and will be very beneficial to the voters of Marion County. He said that the plan was specifically designed to benefit Marion County voters by making it easier to obtain this new technology.

Mr. Bayt stated that the plan will result in more precincts with full precinct election board members, and will permit the voting systems used in 269 precincts to be freed up to be allocated elsewhere. He noted that although Mr. Bock pointed out that 269 voting sites would be changed, this is in fact not the case since the plan takes into account that at several sites more than one precinct already votes at the same polling place, and that many of these precincts which used the same polling place had been combined as part of this plan. He indicated that there would be far fewer than 269 changes in polling places, and that many voters will be assigned to a different precinct number, but will still vote at the same place.

Mr. Bayt said that the philosophy of the plan was also to avoid partisanship. He noted that, notwithstanding the data that had been presented, the greatest number in the reduction or combination of precincts occurred in heavily-Democratic Center Township.

Mr. Bayt stated that as to the process, the reprecincting had begun in May 2001 after the congressional and state legislative district boundary lines had been redrawn. He said that more people began to focus on reprecincting at that point, since it was then known where new precinct lines could be drawn. He remarked that until then, it was impossible to make any decisions or gather information regarding precinct line changes since following these congressional and state legislative district boundary lines was necessary in reprecincting.

Mr. Bayt remarked that at the outset of the process, Mr. Scott Chinn, the Indianapolis Corporation Counsel, met with Ms. Taylor, the Circuit Court Clerk, to advise her that the reprecincting process could very well result in a one-third reduction of the county's precincts. He added that Ms. Taylor could speak for herself, but that he understood that her initial response to Mr. Chinn was to express her support for a reduction in the number of precincts. He said that on two different occasions, in testimony before the Marion County City-County Council, Ms. Taylor stated that there could be savings in election day administration that would result from fewer precincts.

Mr. Morgan asked when, approximately, was the first meeting with Ms. Taylor in which the possibility of a reduction in precincts was discussed. Ms. Taylor thought that this had occurred in November. Mr. Bayt stated that he thought this meeting had occurred at an earlier date than that. Mr. Morgan stated that he recalled reading about the possibility of precinct reductions in Marion County in newspaper accounts at some point.

electronic material was provided to Mr. Bock's firm by email on the same day, from the Election Division staff.

Mr. Bayt stated that Dr. Borst received his copies of the written materials by letter dated January 4, 2002, probably on January 5, 2002. Mr. Bayt said that since that date, Marion County had not suggested any changes to the proposed plan, and that all of the changes discussed today were technical changes that have been suggested or proposed by the Election Division staff or by the Office of Census Data. He stated that there had been three sets of revisions, which impacted a total of 227 people out of a total of over 860,000 people in Marion County.

Mr. Bayt remarked that most of the first set of changes dealt primarily with "slivers" of territory, which contained zero population. He stated that there were other changes impacting a total of 181 people in the first set of changes, made on or around January 9, 2002. He said that Mr. Bock's firm was provided with information regarding the first set of changes on that same day. He noted that Mr. Bock's firm had discussed one change which affected 67 people on a boundary line. He added that this problem had arisen because the territory was bounded on one side by a township line and on another side by a state house district line, and that there was no choice, according to analysis by Ms. Brzycki, except to deal with this situation by creating a noncontiguous precinct. He remarked that Mr. Bock had also received notice of that change.

Mr. Bayt said that the second set of changes, which impacted 46 people, was made on January 15, 2002. He said that these reflected problems noted by the Office of Census Data. He noted that these 46 people had been erroneously listed for several years on the voter rolls as being in Lawrence Township, when in fact these voters resided in Washington Township. He stated that this problem arose because the township line ran down a particular road, and continued straight south, but at a point, Graham Road veered off to the east, which meant that the homes of these voters were in Washington Township. He said that the township line actually runs through the back yard of these homeowners, with their homes being in Washington Township and their back yards being in Lawrence Township. He added that unfortunately, the street in front of these homes, Graham Road, happens to be a legislative boundary. Mr. Bayt said that this problem had to be addressed, and was addressed by having to create a new precinct consisting of 46 people.

Mr. Bayt stated that in terms of public input, the City physically inspected the area, and talked to one resident there, who was familiar with this situation. He said that Mr. Bock had been provided by the Election Division with information regarding these changes on the same day that they were made.

Mr. Bayt said that Mr. Bock has had the same amount of time that the Marion County executive has had to address, deal with, and digest these changes, which only impact 227 people, and even fewer voters.

entirely new level of conversation regarding this. Mr. Morgan said that he understood that after Ms. Taylor had determined which precincts contained splits, then she would be able to calculate turnout percentages, and to decide if she would need to have two machines with the same ballot style in a precinct to reduce voter lines and waiting. Ms. Taylor responded that she would then have to change the material provided for the tallying process to deal with any additional machine.

Mr. Morgan noted that the Commission had received a recommendation form for the Marion County precinct plan that had been signed off on by the Election Division Co-Directors, which stated that the Republican Party County chairman had been notified of the proposed order, and that at the time, the chairman had no objections. Mr. Morgan said that he understood that Mr. Keeler did have objections which he had voiced today. Mr. Keeler stated that he was not familiar with the form referred to by Mr. Morgan. Mr. Morgan asked that Mr. Keeler be provided with a copy of this form, and noted that this form is provided to the Commission before the Commission votes on any proposed county precinct plan. Mr. Perkins added that this form is an internal form that the Election Division staff uses to summarize precinct boundary changes when they are presented to the Commission.

Mr. Keeler noted that the form in this case was dated January 15, 2002, and would be consistent with his previous testimony that he was notified concerning the plan by letter from the City Corporation Counsel dated January 9, and received on January 11, as the final plan. Mr. Morgan said that the Commission relies on this staff form in considering precinct changes. Mr. Keeler said that after January 16, he had no way to modify the form.

The Chair recognized Mr. Perkins, who stated that Mr. Bayt had mentioned in his presentation the process followed by Marion County followed both the law and previous custom. He asked Mr. Bayt to enlighten the Commission on both of those points. Mr. Bayt responded that the law requires that the proposed precinct boundary established boundary order be submitted by the county executive, in this case, the Mayor of Indianapolis, and that Marion County had complied with this law. He said that state law also sets requirements concerning the maximum number of active voters in a precinct, and that the plan is consistent with those requirements as well. Mr. Bayt stated that the prior practice and custom has been to gather voter information, which the County has done, and then to have the county executive make the decision, which the County has done. He added that the County has followed past practice and custom in this particular instance, and that the precinct plan is consistent with the law as well.

Mr. Perkins stated that with regard to custom, he understood Mr. Bayt to be saying that these procedures conformed with past practices in Marion County. Mr. Bayt said that this was correct.

Mr. Perkins said that one of the central themes that ran through Mr. Bock's presentation and the testimony of most of those individuals who testified as a part of Mr. Bock's presentation (Mr. Frick, Dr. Borst, Mr. Massey, and Mr. Keeler), was that the process

information to attempt to assess and understand what the implications of the County's philosophy were.

Mr. Bayt stated that frankly, as the Clerk had previously said, Marion County is a pretty big county with lots of precincts, and the County believed, too many precincts. He said that it took awhile to put it all together, and that he appreciated the hard work of the staff and the people who had helped Marion County to put this plan together. He indicated that the County's plan did not come together until late on December 20, 2001, and was then filed on December 21. He noted that when the County's precinct plan did come together, the County then shared it. He remarked that the County had invited suggestions concerning the plan before December 21, and have not received any yet. He said that the instant that the County had a plan, the County filed it, and shared it.

Mr. Bayt indicated that since the County saw that the process takes awhile once it is received by the Election Division, and thought that there would be opportunities to have those discussions, but the people objecting today chose to wait until it was to their advantage to complain that they did not have input into the process, and that a delay was necessary. He said that the objectors could have said something to Marion County on December 22 or 23, since they had the same maps and shape files that the County had, and the objectors chose not to do that.

In response to a question from the Chair, Mr. Bayt stated that shape files is the electronic mapping information that can be put into the AutoBound program that allows the user to create an electronic map of all the precincts. In response to a question from Mr. Morgan, Mr. Bayt stated that the shape files were available to anyone, and were in fact delivered to the objectors on December 21. He added that he did respect the fact that holidays did intervene, but that many people did work during that period, and that the objectors worked as well. He said that the Commission knows from the objectors' presentation that they did an enormous amount of work looking at the plan, and that Marion County appreciates the hard work that they did. Mr. Bayt said that despite all of that work, the objectors have not provided Marion County with one suggested change.

Mr. Morgan asked if there was an attempt by Mr. Bock or any of his group had voluntarily worked on any parallel precinct plan to offer up to the law firm, the Mayor, the Deputy Mayor, or someone like that. Mr. Bock responded that his clients are here today at the Commission advocating a plan, a plan that works, and a plan that is tested: namely, the current precincting plan in Marion County. He said that the evidence presented to the Commission today demonstrates that that plan will work better than the plan being proposed by Marion County. In response to a question from Mr. Morgan, Mr. Bock said that he was not merely advocating the status quo, but advocating a plan that was better than the plan the Mayor was proposing.

Mr. Bock said secondly that the Mayor had appropriated approximately \$250,000 to the law firm of Ice Miller Donadio & Ryan to draft a precinct plan, and that this process should not be duplicated over again because the Mayor would not let other members of the public participate in the process. He stated that this public money should have gone

In response to a question from Mr. Morgan, Mr. Bock stated that his firm had conversations with the Republican caucus before the contract was approved in October regarding redistricting issues. Mr. Morgan asked when Mr. Bock had a fiduciary relationship with the caucus. Mr. Bock responded that the discussions regarding redistricting issues would have first taken place after the General Assembly enacted new legislative districts in April 2001. Mr. Morgan asked if Mr. Bock had had any discussions regarding reprecincting with the Republican caucus before the November 19 letter to Dr. Borst. Mr. Bock responded yes, that the Council had always been interested in knowing what the reprecincting process would be, but as time went on, none of his clients were finding out any information about the process. Mr. Bock said that finally his clients said that since they were not being included in the redistricting process, they should ask Marion County for its public records, and that Dr. Borst had done so on November 1. Mr. Bock stated that the November 19 response to Dr. Borst was in fact a rejection of this request for information, and did not invite Dr. Borst to sit down and participate in this process.

Mr. Morgan asked if there were discussions between approximately Labor Day and the Borst letter, and if one of the reasons that Mr. Bock's clients did not come to the Commission regarding this matter after the Borst letter was that Mr. Bock did not believe that the Commission had jurisdiction. Mr. Bock responded that he was not aware that the Commission would give the relief that his clients were requesting, by ordering or telling the Mayor that he should provide information. Mr. Bock said that there was no process that he was aware of for his clients to petition the Commission to do that, and that until the Mayor submitted a proposed plan that the Commission had any jurisdiction over the matter.

Mr. Morgan said that he was just trying to get a handle on when the relationship had begun with regard to the reprecincting concern, realizing that the relationship had started with regard to redistricting issues. Mr. Bock responded that his clients had concerns regarding reprecincting in Marion County long before November 1. He said that his clients had anticipated that reprecincting would be a public process, and that when November 1 had arrived without a public process, that was when Dr. Borst wrote a letter saying that the Council would like to participate in a process, and that the process ought to be public. He remarked that it was obvious that the reprecincting process would have an incredible impact on the redistricting effort.

Mr. Morgan said that he understood Mr. Bock's position to be that there was nothing to be gained in coming to the Commission until after the release of information by the Mayor. Mr. Bock responded that if his client had come to him before the Mayor's submission of a plan, and asked Mr. Bock to appear before the Commission to request that the Commission order the Mayor to permit the Council to participate in the process, that his advice to the client would have been to save their money because the Commission does not have the authority to do that.

The Chair recognized Mr. Bayt, who said that he had a couple of clerical corrections to Mr. Bock's remarks. Mr. Bayt said that his firm's contract was for \$250 per precinct,

who from the Mayor's office was responsible for confirming the active voter question, and who did the quality control on that work. Mr. Bayt responded that the active voter counts were obtained from the vendor, NTS Data.

The Chair recognized Ms. Beck, who stated that Mr. Bayt did meet with Ms. Mullin and herself, approximately in mid-October, regarding active voters, and that Mr. Bayt noted that when the Marion County Board of Voter Registration upgraded its software system in 1997 to add the ability to scan voter signatures into the system, Ms. Beck's predecessor as the Republican board member had decided to show every voter in Marion County as having a registration date of March 4, 1997. Ms. Beck said that Mr. Bayt asked about this decision. Ms. Beck stated that her own voter registration record, on its first screen, would show Ms. Beck's name, address, and date of birth, and would indicate that March 4, 1997 was her registration date. She remarked, however, that if you examine the master voter file, this file contains information regarding every time that she had moved, or changed her name, and includes the very first date that she had registered to vote. She said that this would apply to every other voter in Marion County, so that despite the 1997 registration date, it is possible to determine any voter's original date of registration.

Ms. Beck recalled that Mr. Bayt had also asked her if she was aware of any previous input by anyone in the reprecincting process. She said that she had forgotten, and apologized for this, but that when Mr. Sutherlin was retained during several previous years for reprecincting work when the City had a Republican mayor, on at least one occasion, there had been meetings in the Clerk's office to which the Democratic county chairman and the Democratic county voter registration board member were invited to look at what was being changed.

The Chair recognized Mr. Bock, who said that he wished to make sure that he understood Mr. Bayt's answer regarding who performed the quality control work on the active voter information. He said that he understood Mr. Bayt's answer to be the vendor in New York. The Chair stated that Mr. Bayt had responded that this information was received by the vendor, and that, in the Chair's opinion, this answered the question. Mr. Bock responded that he had contacted this vendor, and that the vendor was simply told how to perform a particular query. Mr. Bock said his questions were how to know that the information from the vendor is accurate, and who verified the input of the data, since a calculation was necessary, and who on the Mayor's staff verified this information. The Chair stated that he was taking the answer that the data was supplied by the vendor concerning the voter registration records. Mr. Bock said that when he spoke with the vendor, he was advised that the vendor simply provided the County with raw information, and did not perform this function of calculating the number of active voters.

The Chair recognized Mr. Bock, who requested and received the Commission's permission to examine the exhibit presented by the County in Mr. Bayt's presentation. Mr. Bock said that this exhibit indicated that it was prepared by the City of Indianapolis on January 16, 2002, and Mr. Bayt confirmed that this was correct. Mr. Bock stated that as a result of this particular issue, he understood that a new precinct was created on or about January 16. Mr. Bayt responded that he had already submitted information to the

was provided concerning Franklin 21 was that the active voter number in that precinct exceeds the maximum number of active voters in the precinct permitted by state law. He said that the Commission was required to rely upon the County's IEC-8 form.

Mr. Bock said that the remonstrators had pointed out errors in the Marion County plan, and that he believed the Commission had the authority, when the boundaries of political subdivisions were transgressed, to find that this justifies modification of the plan.

The Chair said that he was not questioning the Commission's authority, but was interested in knowing what were the statutory defects that were the basis for Mr. Bock's arguments concerning the Marion County plan.

Mr. Bock stated that the statutory defects involved compliance with the Indiana Public Records Law, which he believed that the Commission could take into consideration, much in the way the argument was made that the remonstrators could have come to the Commission earlier to seek relief on this point. He said that he believed that the Commission could determine that the information received by the remonstrators under the Public Records Law was inadequate.

Mr. Bock said finally that the Commission's own precedents (particularly in the LaPorte County case) indicate that the Commission has the discretion under the statutes as an administrative body with expertise in election matters to consider whether the precincts which have been submitted would result in a fair and open election. He stated that the undisputed evidence is that it will not. Mr. Bock indicated that there has been no testimony submitted that a fair election can be conducted under this reprecinting plan. He added that he believed that this was the primary responsibility of the Commission.

The Chair recognized Mr. Klopfenstein, who stated that throughout this process, the Libertarian Party had been included to different degrees throughout the state, ranging from Hendricks County, which had invited the Libertarian county chairman to attend a meeting concerning the redrawing of precincts, to simply being informed that the redrawing of precincts was being proposed. He said that he had served as the proxy for the Libertarian Party chairman of several counties, but unfortunately was not the proxy for the Marion County Libertarian chairman for this meeting. Mr. Klopfenstein said that in response to Mr. Perkins' earlier question, yes, he had been notified of these changes, but was informed at about 2:15 pm today that his county chairman had not been notified concerning these changes. He added "shame on the Republicans" because they had not checked to see if his party had found about these proposed changes, and "shame on the Mayor's office" for not seeing if his party agreed to the proposed changes, and finding out who the Libertarian Party chairman was.

Mr. Klopfenstein said that he liked the plan, and liked that the precincts were being reduced, since he had worked in the Clerk's office and knew that this reduction would help out. He said that he did have concerns that this was not a public process, and that although he did not know what the statutory requirements were concerning the process.

for Perry County be approved as submitted. There being no further discussion, the chair called the question, and with four members voting aye (Baker, Long, Morgan, and Perkins, and no member voting nay, that the motion was adopted.

F. Pike County:

The Chair noted that at its December 20, 2001 hearing, the Commission had adopted an order to approve precinct changes in Pike County, but that corrections to the census block listings for two precincts needed to be made.

After reviewing the document submitted in this matter, the Chair moved, seconded by Mr. Perkins that Order 2002-10, adopting the proposed precinct boundary change order for Pike County be approved as submitted. There being no further discussion, the chair called the question, and with four members voting aye (Baker, Long, Morgan, and Perkins, and no member voting nay, that the motion was adopted.

G. Hamilton County and Kosciusko County:

The Commission reviewed the Co-Directors' recommendations regarding the proposed precinct establishment orders for Hamilton County and Kosciusko County. A copy of these documents is incorporated by reference in these minutes.

After reviewing the documents submitted in this matter, Mr. Morgan moved, seconded by Mr. Perkins, that Order 2002-13, adopting the proposed precinct boundary change orders for Hamilton County and Kosciusko County be approved as submitted. There being no further discussion, the chair called the question, and with four members voting aye (Baker, Long, Morgan, and Perkins, and no member voting nay, that the motion was adopted.

H. Clark County:

The Commission reviewed proposed Order 2002-14, and noted that in the second paragraph, the reference to "December 20, 2001" should be corrected to read "January 10, 2002". This correction was adopted by consent.

After reviewing the documents submitted in this matter, Mr. Morgan moved, seconded by Mr. Long that Order 2002-14, adopting an amended proposed precinct boundary change order for Clark County be approved as submitted. There being no further discussion, the chair called the question, and with four members voting aye (Baker, Long, Morgan, and Perkins, and no member voting nay, that the motion was adopted.

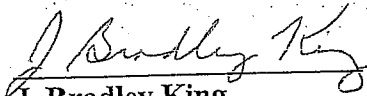
I. Hendricks County:

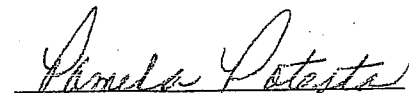
The Commission reviewed the Co-Directors' recommendation regarding the proposed precinct establishment order for Hendricks County. A copy of this document is incorporated by reference in these minutes.

4. ADJOURNMENT:

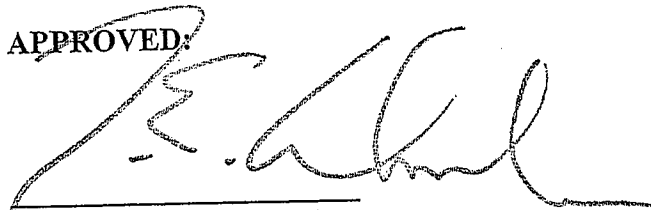
Ms. Baker moved, seconded by Mr. Morgan, that the Commission do now adjourn. The chair called the question, and with four members voting aye (Baker, Long, Morgan, and Perkins) and no member voting nay, declared the motion adopted unanimously. The Commission then adjourned at 6:27 p.m.

Respectfully submitted,


J. Bradley King
Co-Director


Pamela Potesta
Co-Director

APPROVED:


Thomas E. Wheeler, II
Chairman